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## The “We Card” Program: Tobacco Industry “Youth Smoking Prevention” as Industry Self-Preservation

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The “We Card” program is the most ubiquitous tobacco industry “youth smoking prevention” program in the United States, and its retailer materials have been copied in other countries. The program’s effectiveness has been questioned, but no previous studies have examined its development, goals, and uses from the tobacco industry’s perspective.

On the basis of our analysis of tobacco industry documents released under the 1998 Master Settlement Agreement, we concluded that the We Card program was undertaken for 2 primary purposes: to improve the tobacco industry’s image and to reduce regulation and the enforcement of existing laws. Policymakers should be cautious about accepting industry self-regulation at face value, both because it redounds to the

industry’s benefit and because it is ineffective. (*Am J Public Health*. 2010;100:1188–1201. doi:10.2105/AJPH.2009.169573)

### THE “WE CARD” PROGRAM IS

the most widely used tobacco industry “youth smoking prevention” program in the United States. Its logo (Figure 1) is visible on doors and windows of gas stations and convenience, grocery, and drug stores throughout the country.<sup>1</sup> Comparable programs have been developed in other nations.<sup>2–4</sup> Although the tobacco industry explicitly marketed tobacco to youth as late as the 1970s,<sup>5,6</sup> today the industry says it agrees that tobacco should not be marketed to the legally underage<sup>7–11</sup> and claims that We Card successfully reduces sales to youths.<sup>1,7,12</sup> Evidence on the effects of retailer ID checks,

however, is mixed,<sup>13–19</sup> and a systematic review concluded that retailer programs were the least effective intervention proposed to reduce tobacco use among youths.<sup>20</sup> Tobacco control advocates have debated whether youth access programs are worth pursuing, given that such programs’ “forbidden fruit” messages are attractive to adolescents,<sup>21–27</sup> but no previous studies have examined We Card’s development, uses, and goals.

Economic theory predicts that industry self-regulation will achieve social benefits far smaller than those gained from government regulation,<sup>28</sup> although governments increasingly view self-regulation as a means to achieve public goals without public spending.<sup>29</sup> However, industries and governments may have competing agendas, suggesting that public health advocates should be

wary of self-regulation strategies. We evaluated industry self-regulation in the context of public health by analyzing the development and uses of We Card. This program’s success in reaching tobacco retailers and attracting independent allies has made We Card one of the tobacco industry’s major public relations achievements. However, despite industry claims that the program is effective, internal industry evidence suggests that We Card has not reduced tobacco sales to minors and that it was not designed to do so. Instead, We Card was explicitly structured to improve the industry’s public image and to thwart regulation and law enforcement activity.

### METHODS

More than 50 million internal tobacco industry documents, released publicly as a result of the



a



b



*Note.* STAKE=Stop Tobacco Access to Kids Enforcement. We Card is a “youth smoking prevention” program created by the Tobacco Institute, the US tobacco industry’s former lobbying organization. STAKE is a California law that requires retailers to post a notice including a telephone number to report to the state failures to check identification for tobacco purchases.

**FIGURE 1—Age-of-sale warning signs for (a) the We Card program and (b) STAKE.**

ultimately identifying and screening more than 30 000 documents. We analyzed internal tobacco industry documents and secondary data sources, including newspaper articles, advertising, and public statements and research from state public health departments. We eliminated duplicate documents and other materials irrelevant to understanding the industry’s goals and use of youth smoking programs. For example, we found weekly updates on We Card and annual summaries containing the same information; in these cases, we relied on the most complete document.

We eventually decided to focus solely on We Card. For this study, we drew on approximately 200 documents related to We Card, dated 1995 to 2006. Using an interpretive approach, we iteratively reviewed documents to identify recurring themes and corporate positions. We also reviewed the Web site created by the Coalition for Responsible Tobacco Retailing, and we examined Web sites created by retail associations that referenced the program. We searched LexisNexis and Google for contemporaneous newspaper articles, and we used print newspapers and tobacco company Web sites to identify We Card–related advertising. When possible, we verified reports of contacts with state public health agencies, legislators, attorneys general, and governors by checking agency Web sites and research reports. We assembled our findings into a chronological case study that described We Card’s history, reviewed the program’s publicity goals, and finally showed

how We Card was used to reduce law enforcement activities and undermine state tobacco control programs.

## RESULTS

We Card was created in 1995 to replace an existing youth tobacco access prevention program developed by the tobacco industry, known as “Ask First—It’s the Law.”<sup>32</sup> We Card was created by the industry’s lobbying organization, the Tobacco Institute, with the support of additional business organizations<sup>33</sup>; however, the chief executive of the newly created Coalition for Responsible Tobacco Retailing (CRTR), which runs the program, admitted internally that virtually all of We Card’s funding came from tobacco companies.<sup>34,35</sup> During the first year, the Coalition focused on generating positive press coverage and developing support for We Card by recruiting state agencies to advocate for the program.<sup>36,37</sup> Early retailer questionnaires regarding awareness and use of We Card focused primarily on the endorsements and publicity it had received.<sup>38</sup> In addition, CRTR sent films advertising the program to law enforcement groups and state associations that might be enlisted as program affiliates.<sup>39</sup> Materials displaying the We Card logo were distributed free to retailers, and CRTR supplied “testimonials” about retailer success with We Card (some dated from before the program’s launch).<sup>40</sup>

In 1996, efforts to recruit affiliate groups and distribute free materials ramped up,<sup>41</sup> costing \$9.5 million.<sup>42</sup> The Coalition surveyed retailers about how they

1998 Master Settlement Agreement, are accessible online through the University of California, San Francisco, Legacy Tobacco Documents Library (<http://legacy.library.ucsf.edu>).<sup>30</sup> Between September 2007 and December 2008, we used this online

resource to search for and review documents detailing the creation of a number of youth smoking prevention programs. We began with initial search terms including program names (e.g., “We Card”) and used contextual information to generate additional search terms,<sup>31</sup>

**TABLE 1—Government Organizations' Involvement With We Card: United States, 1996–1999**

State	Organization(s)	Retailer Recruitment	Endorsement/Support	Joint Training	Requested Materials	Distributed Materials
AK	Attorney general's office			X	X	X
AK	Department of Health and Human Services	X		X		X
AK	Local police departments					X
AL	Alcoholic Beverage Commission	X	X	X	X	X
AL	Attorney general (Bill Pryor)	X		X		
AR	Department of Health				X	
AR	Governor (Mike Huckabee)		X			
AR	Local police departments					X
AR	Tobacco Control Board	X	X			
AZ	Local health departments				X	
AZ	Local police departments					X
CA	Local health departments				X	
CA	Local police departments					X
CO <sup>a</sup>	Department of Health	X				
CO <sup>a</sup>	Liquor Enforcement Division	X	X	X		
CO <sup>a</sup>	Local police departments					X
CT	Attorney general (Richard Blumenthal)		X			
CT	Department of Mental Health and Addiction Services Tobacco Compliance Unit		X			
CT	Local police departments					X
FL	Local police departments					X
GA	Department of Human Resources	X	X			
GA	Governor (Zell Miller)		X			
HI	Department of Health				X	
IA	Department of Health	X		X		X
IA	Governor (Terry Branstad)		X			
IA	Local police departments					X
ID	Local police departments					X
ID	University of Idaho (state compliance study)					X
IL	Local health departments			X	X	
IL	Local police departments					X
IN	Local police departments					X
KS	Division of Alcoholic Beverage Control		X	X		
KS	Governor (Bill Graves)	X	X			
KS	Local health departments				X	
KS	Local police departments					X
KY	Alcoholic Beverage Control Board (commissioner)		X			X
KY	Department of Agriculture (commissioner, deputy)		X			
KY	Governor (Paul Patton)		X			
KY	Local health departments				X	

*Continued*

used We Card both in stores and for public relations.<sup>43</sup> Results suggested that retailers used We Card materials as a defense when caught selling cigarettes to minors, arguing that any violations were a one-time lapse from store policy.<sup>44</sup> Yet a 1996 news article from North Carolina noted that more than a quarter of retail workers failed to card minors, even after being given We Card materials. In addition, retailers who checked IDs often sold tobacco to underage teens even after seeing evidence that they were minors.<sup>45–47</sup>

By 1997, Coalition publicity efforts focused almost exclusively on how widely they had distributed materials displaying the program logo. Between 1995 and 1997, the tobacco industry spent more than \$20 million on We Card,<sup>48</sup> and the Coalition developed a standardized We Card kit containing penny trays, calendars, and window decals.<sup>49</sup> Coalition materials detailed the number of kits distributed, ranging from 640 in Alaska to nearly 20 000 in Florida (possibly in response to the 1997 introduction of Florida's "truth" campaign),<sup>50–63</sup> and listed the numbers of retailer training sessions conducted.<sup>64,65</sup>

### Allies Come on Board

Efforts to recruit allies and supporters were increasingly successful (Table 1 and the box on pages 1194–1195). By 1997, 3 state governors and 4 state attorneys general had expressed formal support for We Card.<sup>68,69</sup> We Card coalitions, consisting primarily of retailers, retail trade groups, restaurants, alcohol industry groups, and petroleum marketers,



TABLE 1—Continued

KY	Local police departments				X
KY	Tobacco Enforcement Program (director)	X			X
LA	Department of Public Health			X	
LA	Local police departments				X
MA	Local health departments			X	
MA	Local police departments				X
MD	Local health departments			X	
MD	Local police departments				X
ME	Local police departments				X
MI	Department of Community Health (director)	X	X		
MI	Local health departments			X	
MI	Local police departments		X	X	X
MN	Local health departments			X	
MN	Local police departments				X
MO	Division of Liquor Control			X	
MO	Governor (Mel Carnahan)		X		
MO	Local health departments			X	
MO	Local mayors		X		
MO	Local police departments				X
MO	State Department of Health		X		X
MS	Local police departments			X	X
MT	Department of Health			X	
MT	Governor (Marc Racicot)		X		
MT	Local health departments			X	
MT	Local police departments				X
NC	Alcohol Law Enforcement Division			X	X
NC	Governor (James Hunt)		X		
NC	Local health departments			X	
NC	Local police departments				X
NC	Substance Abuse Services Administration	X		X	X
ND	Department of Health	X	X		
ND	Local health departments			X	
ND	Local police departments				X
NE	Governor (Benjamin Nelson)		X		
NE	Local health departments			X	
NE	Local police departments				X
NE	State Patrol	X	X		
NH	Bureau of Substance Abuse Services			X	X
NH	Local health departments			X	
NH	Local police departments				X
NJ	Local health departments			X	
NJ	Local police departments				X
NM	Department of Health			X	

Continued

were created in 21 states,<sup>64,70</sup> and the Junior Chamber of Commerce agreed to distribute We Card kits.<sup>71–74</sup> CRTR used billboard space donated by outdoor advertising companies for public service announcements to promote We Card in 11 states.<sup>64,75–78</sup> Press coverage was extensive and favorable.<sup>66, 79–95</sup> Coalition press releases noted that law enforcement agencies endorsed the program and that police officers were distributing We Card materials to retailers.<sup>96–98</sup> We Card was heavily promoted as a way to meet the requirements of the Synar Regulation,<sup>99</sup> which required states to enforce laws prohibiting tobacco sales to minors. The Tobacco Institute reported that “the FDA [Food and Drug Administration] has come to We Card for help in educating retailers.”<sup>100</sup>

By 1998, CRTR had created seminars targeting state public health departments, and the coalition claimed that 18 state agencies supported We Card, some specifically as a means of achieving Synar compliance.<sup>101</sup> State public health, tobacco control, and alcohol control agencies; law enforcement groups; and local police and health departments recruited retailers for training, promoted We Card, attended training sessions, and distributed We Card materials, as shown in Table 1.<sup>66,101,102</sup> CRTR also recruited additional elected officials to support the program, now totaling 9 governors and 5 attorneys general,<sup>69</sup> and claimed to have trained 24 000 retailers and distributed 530 000 kits.<sup>103–106</sup> Billboard public service announcements expanded to nearly 1500 placements,<sup>107</sup> coalitions supporting



TABLE 1—Continued

NM	Local police departments					X
NV	Attorney general (Frankie Del Pappa)		X			
NV	Local police departments					X
NV	Nevada's Health Service (Reno)		X			
NV	State Health Department		X			
NY	Attorney general (Dennis Vacco)		X			
NY	Local health departments			X	X	
NY	Local police departments					X
OH	Department of Alcohol and Drug Addiction Services		X			
OH	Local health departments				X	
OH	Local police departments					X
OH	Governor (Bob Taft)		X			
OK	Alcoholic Beverage Law Enforcement Commission (director)			X		
OK	Governor (Frank Keating)		X			
OK	Local police departments					X
OR	Local health departments				X	
OR	Local police departments					X
PA	Department of Health		X			
PA	Local health departments				X	
PA	Local police departments					X
RI	Attorney general (Jeffrey Pine)			X		
RI	Local police departments					X
SC	Department of Alcohol and Other Drug Abuse Services			X		X
SC	Governor (Jim Hodges)		X			
SC	Local police departments					X
SC	Sumter Commission on Alcohol and Drug Abuse				X	
SD	Attorney general (Mark Barnett)	X	X			
SD	Local police departments					X
TN	Department of Agriculture		X	X		
TN	Local health departments				X	
TN	Local police departments					X
TX	Local health departments				X	
TX	Local police departments			X		X
UT	Local health departments			X	X	
UT	Local police departments					X
VA	Department of Alcoholic Beverage Control		X	X		
VA	Governor (James Gilmore)	X	X			
VA	Local mayors		X			
VA	Local police departments					X
WA	Local police departments					X
WI	Local health departments				X	
WI	Local police departments					X
WV	Local police departments					X

Continued

the program encompassed 40 states,<sup>48</sup> and press releases announced celebrations of “We Card day.”<sup>108</sup>

Under the terms of the 1998 Master Settlement Agreement, the Tobacco Institute was dissolved in 1999, and CRTR and the We Card program were reconstituted by individual companies.<sup>35,109</sup> As part of this reorganization and in response to Master Settlement Agreement costs, We Card's budget was cut to \$3.4 million,<sup>48,110,111</sup> its newsletter was cancelled, and efforts began to enlist others to cover the program's costs.<sup>112</sup> One idea was to pass the program and its costs to the tobacco control foundation newly created by the Master Settlement Agreement, which eventually was named the American Legacy Foundation.<sup>113</sup> CRTR proposed to “Reach out to non-traditional allies—offer [the] American Legacy Foundation [and] state training programs an opportunity to participate.”<sup>114</sup> Ultimately, it appears that the American Legacy Foundation was not contacted and would not have agreed to sponsor the program (C. Heaton, president and chief executive officer, American Legacy Foundation, personal communication, May 23, 2009), despite CRTR's goal to turn We Card into “a public-private ‘community’ training and education program.”<sup>115</sup>

With its reduced budget, in 1999 CRTR aimed to “specify various promotional programs and efforts to include public official participation” and “increase media appeal,” including continued use of public service announcements<sup>48,116</sup> and other media.<sup>117,118</sup> CRTR continued recruiting endorsements,<sup>119–122</sup> but there were increasing demands





TABLE 1—Continued

WY	Attorney general (Gay Woodhouse)	X		
WY	Department of Health		X	X
WY	Governor (Jim Geringer)		X	
WY	Local police departments			X

Note. We Card is a “youth smoking prevention” program created by the Tobacco Institute, the US tobacco industry’s lobbying organization. This table is adapted from internal Coalition for Responsible Tobacco Retailing documents.<sup>66,67</sup>

<sup>a</sup>Colorado state law provides an affirmative defense to retailers who sell to minors if they have completed We Card training.

to show that the program was actually effective. Although CRTR claimed that “evidence of We Card’s effectiveness has been reported in 5 states,”<sup>123,124</sup> this evidence was weak, consisting of 2 testimonials, 1 study of requests to provide IDs with no sample size disclosed, 1 survey of retailer knowledge, and a comparison of violations discovered between 1996 and 1997.<sup>125</sup> As a result, the Coalition noted a new program goal: “document [an] incontrovertible case that active participation in We Card training and education reduces underage tobacco sales at the retail counter.”<sup>48</sup> However, the metrics presented by CRTR continued to focus on the number of training sessions, kits, billboards, and endorsements, as well as the extent of press coverage, and the coalition touted the fact that 24 state agencies now promoted the program.<sup>121,123,124,126–137</sup> Tobacco companies were advertising We Card on corporate Web sites,<sup>138</sup> and some retail chains mandated its use in all stores.<sup>139</sup> Despite continued concerns regarding the program’s effectiveness, CRTR concluded that We Card training provided “evidence that further restrictions and taxes aren’t necessary.”<sup>42</sup>

### Costs Shift to Retailers

The most notable change to We Card in the 21st century was the shift of many program costs to retailers. However, questions about effectiveness continued: in 2001, a newspaper columnist reported that multiple stores displaying We Card materials did not card him when he attempted to buy tobacco on his 18th birthday.<sup>140</sup> Another article noted that the majority of clerks who sold to minors had asked for and received IDs showing purchasers were underage,<sup>141</sup> a finding consistent with research on the effectiveness of compliance checks.<sup>47</sup> Moreover, a 2003 Philip Morris report cited research showing that only 19% of cigarettes obtained by youths were from retail stores,<sup>142,143</sup> undercutting the rationale for the We Card program. However, CRTR continued its publicity throughout 2000 to 2002, claiming the program was stronger than existing laws in 2000,<sup>144</sup> despite the fact that enforcement consisted of writing letters to retailers—and, in the worst case, imposing a short-term suspension of promotional programs.<sup>145–149</sup> Updates on alliances continued.<sup>150–159</sup> CRTR also developed materials in new languages (Spanish, Korean), drew up

agreements with new companies to support the program, and sent We Card materials to congressional hearings in an effort to prevent the passage of new tobacco restrictions.<sup>160–162</sup>

In 2004, the shift of many We Card materials’ costs to retailers was complete.<sup>163–165</sup> We Card materials had been fully integrated into brand promotions and advertising displays to convey the message of manufacturer responsibility, and retailers could not participate in incentive programs (industry payments to retailers for tobacco promotions in stores) unless they received training and purchased and displayed multiple We Card items.<sup>166–170</sup> Partly as a result, program advertisements in 2006 were able to claim that “more than 82 000 retailers have been trained in We Card seminars . . . about the importance of selling tobacco products only to those of legal age.”<sup>171</sup> In 2009, CRTR advertised that it had distributed more than 1 million kits and had secured support from state agencies in 25 of 50 states.<sup>1</sup>

### Stated Aims Versus Actual Activities

The history of the We Card program reveals increasing

incongruity between the stated aims of the program and its actual activities. According to CRTR, “In 1995, a group of like-minded organizations got together to discuss what they could accomplish as a team to prevent the underage sale of tobacco. The answer became abundantly clear: training and education.”<sup>1</sup> However, the coalition’s activities for more than a decade focused primarily on handing out materials, without any effort to determine whether they changed behavior; collecting endorsements; publicizing We Card; and praising the program’s sponsors.

This pattern reflects the tobacco industry’s concern with its public image. One executive noted, “In most cases, we [tobacco companies] don’t want broad media coverage. The ‘general’ press coverage of cigarettes and cigarette manufacturers is almost always negative.”<sup>172</sup> Both CRTR and the We Card program were presented as quasi-independent entities that happened to enjoy tobacco industry support, rather than as the almost wholly owned industry subsidiaries they were. When CRTR’s director was asked to provide information on We Card funding to a tobacco company government relations representative, he responded, “On the funding question, we both know that the bulk of the funding is provided by TI [the Tobacco Institute]. That’s not something that I advertise, nor discuss with anyone outside of the manufacturers and TI. The CRTR board knows it . . . but I’m reluctant to put that in writing for distribution” [ellipsis in original].<sup>34</sup>



### We Card Members and Participants: United States, 1996–1999

#### Coalition members

American Wholesale Marketers Association  
Food Marketing Institute  
Lorillard Tobacco Company  
NACS, the Association for Convenience and Petroleum Retailing  
National Grocers Association  
Philip Morris USA  
RJ Reynolds Tobacco Company

#### Supporting members

American Beverage Licensees  
Beck Suppliers, Inc  
BI-LO  
Chevron Texaco  
Commonwealth Brands, Inc  
Conwood Company, LLC  
Cumberland Farms  
ExxonMobil  
John Middleton  
National Association of Chain Drug Stores  
National Association of Police Organizations  
National Association of Tobacco Outlets  
National Black Police Association  
National Korean American Grocers Association  
National Retail Federation  
NATSO, Inc  
Penn National Gaming, Inc  
Petroleum Marketers Association of American  
Retail Industry Leaders Association  
Service Station Dealers of America and Allied Trades  
Society of Independent Gasoline Marketers of America  
Team Schierl Companies  
United Refining Company  
US Smokeless Tobacco Company

#### Shared voluntary compliance agreements

BP West Coast Products  
Chevron  
ConocoPhillips  
CVS  
ExxonMobil  
Kroger  
Rite-Aid  
Safeway  
7-Eleven  
Shell  
Walgreens  
Wal-Mart

#### On-site trainings (incomplete list)

Circle K

### Underlying Goals of Improving Image and Reducing Regulation

In internal documents passed between CRTR and tobacco companies, those involved with the program were more specific about We Card's underlying goals, which were 2-fold: first, to improve the industry's image through publicity, and second, to reduce regulation and law enforcement activity focused on tobacco control, particularly stings of retail outlets that revealed the extent of sales to minors.

*Improve tobacco's image by publicizing We Card.* The chronology of the We Card program reveals CRTR's heavy emphasis on publicity and alliances. Promotional materials proclaimed that We Card was "a national success."<sup>173</sup> Discussion of what that meant to the companies sponsoring the program appears in reports about advertising tests run by Philip Morris in 2000, which compared tobacco control advertising with industry advertising campaigns, including those that publicized We Card:

The "We Card" commercials are widely seen and an extremely positive influence on attitudes toward the tobacco industry generally and PM specifically. . . . Exposure to this ad greatly helps in the sale of the responsible-marketing-only-to-adults message and reducing positive response to the [American Legacy Foundation "truth"<sup>174,175</sup>] ads vilifying the company.<sup>176</sup>

Focus group testing with the general public, smokers, and opinion leaders in 2003 demonstrated We Card's continuing success in

promoting the tobacco industry's image.<sup>177</sup> Advertisements for We Card were the most commonly recalled tobacco industry promotional materials, and reviews of the program within Philip Morris explicitly stated that We Card was a form of corporate advertising.<sup>178</sup> Promotion of We Card improved the company's reputation,<sup>179</sup> even though research on youths at risk for tobacco use suggested that they perceived We Card advertisements as encouragement to smoke upon turning 18 (J. Moon-Howard, DrPH, personal communication, June 2009). Over time, Philip Morris proved unable to maintain positive public perceptions of its corporate responsibility program, but positive perceptions of the company's commitment to youth smoking prevention remained.<sup>180</sup>

*Reduce tobacco regulation and the enforcement of existing tobacco control laws.* The tobacco industry and retailers anticipated from the program's inception that We Card could be used to block stronger policies restricting youth access to tobacco. Industry surveys in 1996 found that retailers saw this as an excellent use of the program.<sup>181</sup>

However, FDA regulators attempting to improve Synar compliance noted that retailers had no serious interest in using We Card to actually reduce tobacco sales to minors. One complained: "As far as We Card goes, there's trouble with just placing signs and nothing more. Retailers think they've met their responsibility as soon as they post the signs."<sup>182</sup> Similarly, Tobacco Institute lobbyists viewed the program as primarily political, noting in a 1997 report: "Once again, work by the WE CARD Coalition has





Cumberland Farms  
CVS Pharmacy  
Dairy Barn  
Duane Reade  
Flying J  
Golden Gallon  
Kmart  
Kum-N-Go  
Lucky Stores  
Mobil  
Motiva  
Murphy Oil  
Pak-A-Sak  
Safeway  
Shop Rite Food Stores  
Sugar Creek Stores  
Sunoco  
Texaco  
The Pantry Stores  
TOPS Markets  
Trimart  
Wawa  
Xtramart

*Note.* We Card is a “youth smoking prevention” program created by the Tobacco Institute, the US tobacco industry’s lobbying organization. This table is adapted from the We Card Web site<sup>2</sup> and an internal Coalition for Responsible Tobacco Retailing document.<sup>67</sup>

been instrumental in state efforts to enact reasonable youth access laws.<sup>100</sup> As an example of “reasonable” laws, the memo praised state laws preempting stronger local legislation.<sup>100</sup>

Efforts to use We Card to reduce law enforcement activities were more covert, initially detailed in a confidential 1996 CRTR document that surveyed We Card retailers and made suggestions for program users based on tactics found effective for others.<sup>43</sup> It expressed strong concern about auditing of retail outlets (meaning stings wherein law enforcement agencies sent minors to stores to attempt tobacco purchases) and suggested that promoting We Card

could reduce this practice. The report suggested that the tobacco and retail industry could use We Card to “[sensitize] cops, who don’t always understand how difficult it is for clerks to card customers.”<sup>43</sup> It highlighted efforts to use We Card to reduce law enforcement activity indirectly by providing positive publicity. As an example, the report noted:

The [Quick Stop] company CEO is very involved with city councils and state legislators, and “always” presents the “We Card” program whenever there is an opportunity. [He] was not aware of any tobacco “stings” on their stores and believes the reason for this is their involvement with public officials and agencies.<sup>43</sup>

The Coalition later successfully solicited multiple police departments to participate in the “It’s Our Duty” program, in which police officers distributed We Card promotions to retailers.<sup>96–98,183</sup>

By 1999, CRTR had developed enough positive publicity that it could use its contacts to advocate against tobacco control policies, insulating tobacco companies from the negative press coverage it feared when it acted alone. In its 1999 training and education plan, the coalition explained:

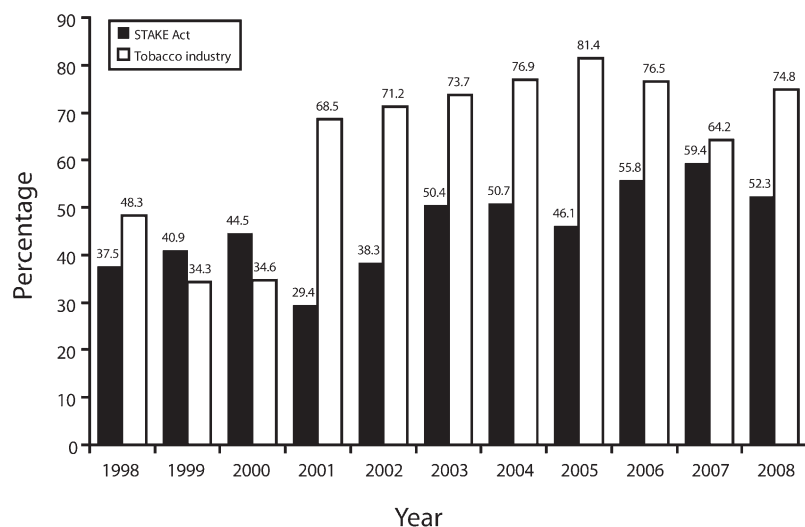
In short, We Card training efforts helped gain the recognition of hundreds of elected officials on the local, state and federal levels through hundreds of positive news stories. Press reports citing We Card appear in major dailies (*USA Today*, *LA Times*), in many local newspapers and on television nationwide. State retail association executives continue to point to We Card training as evidence that further restrictions and taxes aren’t necessary.<sup>184</sup>

Soon, however, efforts to promote We Card as an alternative to other regulation began to draw negative attention. California had passed the Stop Tobacco Access to Kids Enforcement (STAKE) Act in 1995, which required that retailers post a notice including a telephone number to report to the state failures to check identification for tobacco purchases (Figure 1 shows a copy of the official STAKE notice). In 2003, the California attorney general’s office threatened litigation against CRTR for encouraging retailers to violate state law through its promotion of We Card instead of STAKE notices. The office’s first letter explained:

The We Card materials appear designed to be authoritative with regard to the requirements of California law concerning age of sale warning signs. . . . [H]owever, statements and information on the Coalition’s website and in We Card materials are incorrect, incomplete, and misleading, and likely encourage retailers to violate state civil and criminal law.<sup>185</sup>

The issues raised by the attorney general suggested larger problems with We Card that would continue to be an issue in other states.<sup>185–188</sup> These included the revelation that We Card materials stated that facsimiles of official identification were acceptable proof of legal age for tobacco sales, which the California attorney general viewed as problematic: “Facsimiles or reasonable likenesses of IDs should be viewed by the Coalition and by retailers as being inherently untrustworthy. Reliance on such documents should not be promoted in the Coalition’s website and materials.”<sup>187</sup>

Although CRTR changed its materials to comply with California law, We Card has continued to dominate the California retail environment. A state report noted, “More stores carried ‘We Card’ signs, distributed by the tobacco industry, than the State mandated Stop Tobacco Access to Kids Enforcement (STAKE) Act signs.”<sup>189</sup> In 2008, only half of retailers complied with the STAKE Act, whereas three quarters displayed We Card signs. Since 2001, use of We Card materials by retailers has dramatically exceeded use of STAKE materials in every year (Figure 2). Despite the efforts of California agencies, We Card has continued to undermine compliance with state laws.



Note. STAKE=Stop Tobacco Access to Kids Enforcement. The definition of a STAKE Act sign changed in 2006 to include non-California Department of Public Health signs that still met the legal requirements.

Source. From the Youth Tobacco Purchase Survey, 1998–2008, California Department of Public Health, California Tobacco Control Program, July 2008.<sup>190</sup>

**FIGURE 2—Prevalence of tobacco industry age-of-sale warning signs versus state-required age-of-sale warning signs: California retailers, 1998–2008.**

## DISCUSSION

Although We Card has been presented as a way to decrease tobacco sales to minors, we have shown that the program's goal is to undermine enforcement of existing laws, prevent passage of effective state legislation, establish the tobacco industry as a "partner" with state agencies,<sup>191</sup> and burnish the public images of tobacco companies and retailers. Despite extensive evidence suggesting that current retailer efforts to reduce tobacco sales to youths are inadequate,<sup>18,20</sup> tobacco companies continue to claim that reductions in smoking among youths are directly attributable to We Card.<sup>12</sup>

Our study provides strong support for theoretical claims that

industry self-regulation fails to achieve socially desirable outcomes and may create socially undesirable ones.<sup>28</sup> The strategy of creating alliances with public health groups and law enforcement agencies could be interpreted as additional evidence that the strategies of Philip Morris's Project Sunrise, a 20-year plan aimed at rebuilding the company's image and dividing the tobacco control community, are still being executed. Those plans explicitly referenced youth access programs as fertile areas for "partnerships" aimed at "creating schisms" within tobacco control.<sup>191</sup> Groups genuinely interested in decreasing access to tobacco among youths, therefore, may wish to dissociate themselves

from We Card and similar industry-sponsored programs, both in the United States and internationally, and consider legislation that prohibits retailers from simultaneously using industry and governmental programs.<sup>192</sup> In supporting We Card, these groups may unwittingly increase the tobacco industry's credibility<sup>193</sup> while compromising their own public health and law enforcement goals. Furthermore, article 5.3 of the Framework Convention on Tobacco Control calls on governments worldwide to avoid partnering with the tobacco industry in tobacco control programs.<sup>194</sup>

We Card and other similar industry programs are designed to suggest that tobacco companies are "part of the solution" to the problem of youths' tobacco use. In

doing so, they also serve to reify "youth tobacco use" as the prevailing definition of the tobacco policy problem, distracting the public and policymakers from the fact that cigarettes remain the single most deadly consumer product ever made. We Card continues the tobacco industry's historical pattern of public deception in the interest of corporate self-preservation. ■

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## Contributors

Both authors conceptualized the project and developed lines of inquiry to guide research. D. E. Apollonio conducted online searches, screened documents and other data, analyzed data, wrote the first draft of the article, and participated in revising successive drafts. R. E. Malone reviewed and analyzed key documents; participated in developing, contextualizing, and refining the analysis; and reviewed, edited, and participated in revising all drafts of the article.

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## Human Participant Protection

No protocol approval was necessary because no human research participants were involved in this study.



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